

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION  
CHAPTER 13 PLAN**

Debtor(s): Eugena L. TorresCase No: 8:13-bk-16967

2nd Amended Chapter 13 Plan

**CHECK ONE:**

The Debtor<sup>1</sup> certifies that the Plan does not deviate from the model plan adopted by the Court at the time of the filing of this case. Any nonconforming provisions are deemed stricken.

The Plan contains provisions that are specific to this Plan in Additional Provisions, paragraph 8(e) below. Any nonconforming provisions not set forth in paragraph 8(e) are deemed stricken.

**1. MONTHLY PLAN PAYMENTS:** Plan payments include Trustee's fee of 10% and shall begin thirty (30) days from filing/conversion date. The Debtor shall make payments to the Trustee for the period of 60 months. In the event the Trustee does not retain the full 10%, any portion not retained will be paid to unsecured creditor's *pro rata* under the plan:

A.	\$ <u>1,534.00</u>	for months	<u>1</u>	through	<u>9</u>	;
B.	\$ <u>2,113.00</u>	for months	<u>10</u>	through	<u>60</u>	;
C.	\$ <u>                  </u>	for months	<u>                  </u>	through	<u>                  </u>	;

in order to pay the following creditors:

**2. ADMINISTRATIVE ATTORNEY FEE: \$ 4,100.00 TOTAL PAID \$ 2,030.00**

Balance Due \$ 2,070.00 Payable Through Plan \$ 345.00 Monthly

**3. PRIORITY CLAIMS: [as defined in 11 U.S.C. §507]**

Name of Creditor	Total Claim
<u>-NONE-</u>	

**4. TRUSTEE FEES:** Trustee shall receive a fee from each payment received, the percentage of which is fixed periodically by the United States Trustee.

**5. SECURED CLAIMS:**

Pre-Confirmation payments allocated to secured creditors under the Plan, other than amounts allocated to cure arrearages, shall be deemed adequate protection payments. To the extent the Debtor makes such pre-confirmation payments, secured creditors who have filed proofs of claim prior to the claims bar date or within 14 days from the date of an order converting or dismissing this case, whichever date is earlier, shall have an administrative lien on such payment(s), *pro rata* with other secured creditors, subject to objection by the Debtor or Trustee.

**(A) Claims Secured by Real Property Which Debtor Intends to Retain / Mortgage Payments and Arrears, If Any, Paid Through the Plan:** If the Plan provides for the curing of prepetition arrearages on a mortgage, the Debtor will pay, in addition to all other sums due under the proposed Plan, all regular monthly post-petition mortgage payments to the Trustee as part of the Plan. These mortgage payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing each month thereafter. The Trustee shall pay the post-petition mortgage payments on the following mortgage claims:

Name of Creditor	Collateral	Regular Monthly Pmt.	Arrearages (if any)
<u>-NONE-</u>			

<sup>1</sup> All references to "Debtor" include and refer to both of the debtors in a case filed jointly by two individuals.

**(B) Claims Secured by Real Property/Debtor Intends to Seek Mortgage Modification:** Pending the resolution of a mortgage modification request, the Debtor shall make the following adequate protection payments to the Trustee, calculated at 31% of the Debtor's gross monthly income. Absent further order of this Court, the automatic stay shall terminate effective 6 months after the filing of the Debtor's bankruptcy petition:

Name of Creditor	Collateral	Payment Amt (at 31%)
-NONE-		

**(C) Liens to be Avoided/Stripped:**

Name of Creditor	Collateral	Estimate Amount
-NONE-		

**(D) Claims Secured by Real Property or Personal Property to Which Section 506 Valuation APPLIES:** Pursuant to 11 U.S.C. § 1322(b)(2), this provision does not apply to a claim secured solely by the Debtor's principal residence. The secured portion of the claim, estimated below, and to be determined in connection with a motion to determine secured status, shall be paid as follows:

Creditor	Collateral	Value	Payment	Interest @ _____ %
Green Tree Servicing L	806 E. Cayuga Street, Tampa, FL 33606	50,866.00	1,108.61	6.25%
Nationstar Mortgage LLC	2923 Arch Street, Tampa, FL 33607	21,806.00	391.83	3%

**(E) Claims Secured by Real Property and/or Personal Property to Which Section 506 Valuation DOES NOT APPLY:** Claims of the following secured creditors shall be paid in full with interest at the rate set forth below as follows:

Creditor	Collateral	Balance	Payment	Interest @ _____ %
-NONE-				

**(F) Claims Secured by Personal Property / Regular Payments and Arrearages, if any, Paid in Plan:**

Name of Creditor	Collateral	Regular Payment	Arrearages
-NONE-			

**(G) Secured Claims/Lease Claims Paid Direct by the Debtor:** The following secured claims/lease claims are to be paid direct to the creditor or lessor by the Debtor outside the Plan. The automatic stay and any codebtor are terminated *in rem* as to these creditors and lessors upon the filing of this Plan. Nothing herein is intended to terminate or abrogate the Debtor's state law contract rights. The Plan must provide for the assumption of lease claims in the Lease/Executory Contract section below.

Name of Creditor	Property/Collateral
Green Tree Servicing L	808 E. Cayuga Street, Tampa, FL 33603

**(H) Secured Claims/Lease Claims Not Provided for Under the Plan:** The following secured claims/leased claims are not provided for under the Plan. As such the automatic stay and any codebtor stay do not apply and the Debtor's liability to the creditor is NOT DISCHARGED under the Plan. Nothing herein is intended to abrogate the Debtor's state law contract rights.

Name of Creditor	Property/Collateral
-NONE-	

**(I) Surrender of Collateral/Leased Property:** Debtor will surrender the following collateral/leased property no later than thirty (30) days from the filing of the petition unless specified otherwise in the Plan. The automatic stay and any codebtor stay are terminated *in rem* as to these creditors and lessors upon the filing of this Plan. The Plan must provide for the rejection of lease claims in the Lease/Executory Contract section below.

Name of Creditor	Property/Collateral to be Surrendered
Nationstar Mortgage LLC	806 W. Sligh, Tampa, Florida 33604
Seterus Inc	808 W. Sligh, Tampa, FL 33604

**6. LEASES/EXECUTORY CONTRACTS:**

Name of Creditor	Property	Assume/Reject-Surrender	Estimated Arrears
-NONE-			

**7. GENERAL UNSECURED CREDITORS:** General unsecured creditors with allowed claims shall receive a *pro rata* share of the balance of any funds remaining after payments to the above referenced creditors or shall otherwise be paid pursuant to the provisions of a subsequent Order

Confirming Plan. The estimated dividend to unsecured creditors is \$ 19,800.43.

**8. ADDITIONAL PROVISIONS:**

(a) Secured creditors, whether or not dealt with under the Plan, shall retain the liens securing such claims;

(b) Payments made to any creditor shall be based upon the amount set forth in the creditor's proof of claim or other amount as may be allowed by a specific Order of the Bankruptcy Court.

(c) Property of the estate (check one)\*

(1) \_\_\_\_ shall not vest in Debtor until the earlier of Debtor's discharge or dismissal of this case, unless the Court orders otherwise; or

(2) \_\_\_\_ shall vest in the Debtor upon confirmation of the Plan.

\*If the Debtor fails to check (1) or (2) above, or if the Debtor checks both (1) and (2), property of the estate shall not vest in the Debtor until the earlier of the Debtor's discharge or dismissal of this case, unless the Court orders otherwise.

(d) The amounts listed for claims in this Plan are based upon Debtor's best estimate and belief. The Trustee shall only make payment to creditors with filed and allowed proof of claims. An allowed proof of claim will be controlling, unless the Court orders otherwise.

(e) Case Specific Provisions:

/s/ Eugena L. Torres  
Debtor



Dated: November 3, 2014

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

IN RE:

EUGENA L. TORRES

CASE NO.: 8:13-bk-16967

Debtor,

/

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 7, 2014, a true and correct copy of the 2<sup>nd</sup> Amended Plan has been furnished by CM/ECF and/or via U.S. First Class Mail to all parties listed on the attached creditor mailing matrix.

FERNANDEZ FLORIDA LAW, P.A.

/s/ Niurka Fernandez Asmer, Esq.  
Niurka Fernandez Asmer, Esquire  
Florida Bar No: 370680  
Attorney for Defendant  
113 S. Boulevard  
Tampa, Florida 33606  
Telephone: (813) 412-5605  
Fax: (813) 412-4274  
[Nicki@FernandezFloridaLaw.com](mailto:Nicki@FernandezFloridaLaw.com)

abel Matrix for local noticing

Federal National Mortgage Association

(p)GREENTREE SERVICING LLC

.13A-8

Kahane &amp; Associates, P.A.

BANKRUPTCY DEPARTMENT

Case 8:13-bk-16967-KRM

c/o Taji S. Foreman, Esq.

P O BOX 6154

Middle District of Florida

8201 Peters Road, Suite 3000

RAPID CITY SD 57709-6154

Tampa

Plantation, FL 33324-3292

Fri Nov 7 13:34:49 EST 2014

. Rodney May

NATIONSTAR MORTGAGE, LLC

Eugena L. Torres

Tampa

c/o Robertson, Anschutz and Schneid, PL

808 East Cayuga Street

Anila S Rasul Esq

Tampa, FL 33603-4127

6409 Congress Ave Ste 100

Boca Raton, FL 33487-2853

Capital 1 Bank

Department of Revenue

Green Tree Servicing L

Attn: Bankruptcy Dept.

PO Box 6668

Po Box 6172

PO Box 30285

Tallahassee, FL 32314-6668

Rapid City, SD 57709-6172

Salt Lake City, UT 84130-0285

Green Tree Servicing LLC

Internal Revenue Service

(p)NATIONSTAR MORTGAGE

PO BOX 0049

P.O. Box 7346

PO BOX 630267

Alatine, IL 60055-0049

Philadelphia, PA 19101-7346

IRVING TEXAS 75063-0116

Telephone # 888-298-7785

Nationstar Mortgage, LLC

Robertson, Anschutz Schneid

Seterus Inc

Attn: Bankruptcy Department

6409 Congress Ave.

14523 Sw Millikan Way St

PO Box 630267

Boca Raton, FL 33487-2853

Beaverton, OR 97005-2352

Irving, Texas 75063-0116

United States Trustee - TPA7/13 7+

Steven G Powrozek +

Taji S. Foreman +

Timberlake Annex, Suite 1200

Shapiro, Fishman &amp; Gache, LLP

Kahane and Associates

101 E Polk Street

4630 Woodland Corporate Blvd

8201 Peters Road, Suite 300

Tampa, FL 33602-3949

Suite 100

Plantation, FL 33324-3265

Tampa, FL 33614-2429

Mirka Fernandez Asmer +

Nirvani D Singh +

Fernandez Florida Law, P.A.

Robertson, Anschutz, &amp; Schneid, P.L.

13 South Boulevard

6409 Congress Ave.

Tampa, FL 33606-1970

Boca Raton, FL 33487-2853

Suite 203

Tallahassee, FL 32312-3858

Kelly Remick +

Chapter 13 Standing Trustee

Post Office Box 6099

Tampa, FL 33571-6099

Note: Entries with a '+' at the end of the

name have an email address on file in CMBCF

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Green Tree Servicing LLC

(d)Green Tree Servicing LLC

Nationstar Mortgage LLC

PO Box 6154

Attn: Bankruptcy

Rapid City, SD 57709-6154

350 Highland Dr

Rapid City, SD 57709-6154

Lewisville, TX 75067

Telephone # 888-298-7785

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

u) Nationstar Mortgage LLC	(d) Nationstar Mortgage, LLC c/o Robertson, Anschutz and Schneid, PL Anila S Rasul Esq 6409 Congress Ave Ste 100 Boca Raton, FL 33487-2853	End of Label Matrix Mailable recipients 22 Bypassed recipients 2 Total 24
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